

Message Text

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FM AMEMBASSY DACCA

TO:*SECSTATE WASHDC 1605*

INFO AM MBASSY ISLAMABAD

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AMEMBASSY NEW DELHI

C O N F I D E N T I A L DACCA 5344

E.O. 11652: GDS

TAGS: PFOR, BG, PK

SUBJECT: AMNESTY AND THE POW TRIALS-A LINKAGE?

REF: STATE 232891; ISLAMABAD 10352; LONDON 13888

SUMMARY: MUJIB'S DECISION TO GRANT AMNESTY TO ALL COLLABORATORS SAVE THOSE ACCUSED OF MURDER, RAPE, AND ARSON IS BEING WELCOMED BY MANY BENGALLEES AS A STEP TOWARD NATIONAL RECONCILIATION AND A MEANS TO ACQUIRE THE MUCH NEEDED SERVICES OF SKILLED PEOPLE IN THE REBUILDING OF THE ECONOMY. MUCH OF THE DIPLOMATIC COMMUNITY INTERPRETS THE AMNESTY AS A SIGNAL TO PAKISTAN OF BANGLADESH'S DESIRE TO RESOLVE THE ISSUE. THIS MESSAGE EXPLORES THE POSSIBILITY OF THAT LINKAGE. END SUMMARY.

1. BDG'S AMNESTY ANNOUNCEMENT HAS BEEN EITHER WELCOMED AS AN OVERDUE STEP OR MET WITH INDIFFERENCE. THERE APPEARS TO BE NO EXTENSIVE OPPOSITION TO IT. THE DECISION MAY HAVE BEEN PROMPTED AS MUCH BY THE DIFFICULTY OF PROSECURING THE INNUMERABLE CASES AS BY A SENSE OF FORGIVENESS OR EXPECTATIONS OF POLITICAL DIVIDENDS. PROSECUTOR IN CHARGE OF COLLABORATION CASES TOLD EMBOFF RECENTLY THAT CONVICTION RATE HAD DECLINED FROM 90 TO 50 PCT BECAUSE WITNESSES FREQUENTLY WERE NO LONGER AVAILABLE. IN DACCA ALONE, CONFIDENTIAL

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GOVERNMENT HAD ASSIGNED 40 LAWYERS TO COLLABORATION CASELOAD.

LIKELIHOOD OF BDG EVER TRACKING DOWN THE ENDLESS LISTS OF "ABSCOD-
ING" COLLABORATORS IS SCA*T. THE DIVERSION OF RESOURCES AND LEGAL
SKILLS FROM GENUINE LAW AND ORDER PROBLEMS IS ONE BANGLADESH CAN
ILL AFFORD.

2. THE MOTRVES OF MUJIB IN ACQUIESCING TO AMNESTY NOW MAY BE
MIXED. IT IS NOT A NEW IDEA. WE UNDERSTAND THAT LAST MAY MUJIB
HAD AGREED INITIALLY TO A MULATIVETY SWEEP GIVING AMNESTY ADVOCATED
BY SOME, BUT THAT THE INFLUENCE OF OTHER ADVISORS RESULTED IN A
WATERED DOWN VERSION THAT ELIMINATED ONLY THE VAGUER CATEGORIES OF
COLLABORATION. THE AMNESTY MOVE ATTHIS TIME MAY ALSO BE RELATED
TO THE MANEUVERING UNDER WAY WITHIN THE AWAMI LEAGUE AS THE
PARTY'S ANNUAL MEETING APPROACHES IN JANUARY. MUJIB HAS APPEARED
TO BE TAKING MORE INITIATIVE OF LATE AND SENDING OUT SIGNALS TO
BOTH THE LEFT AND THE RIGHT FACTIONS OF HIS PARTY ATTEMPTING TO
RECONCILE OR CONTAIN THE DIFFERENCES THAT HAVE SURFACED IN TWO
YEARS OF RULE. THE COLLABORATORS ISSUE HAS BEEN A SORE POINT WITH
THE MORE MODERATE ELEMENTS IN THE AWAMI LEAGUE WHO ARE UNHAPPY
WITH THE DIVISIVE RHETORIC INDULGED IN BYPJQE PARTY POLITICAL
HIERARCHS AND WHO BELIEVE THAT THE COUNTRY'S ECONOMY NEEDS THE
SKILLS OF THE MANY ONCE-INFLUENTIAL MEN NOW IN JAIL. MOREOVER,
MUJIB'S STATEMENTS THAT THE COLLABORATORS HAD BEEN DETAINED A
LONG TIME AND THAT
THEIR FAMILIES HAD SUFFERED WAS PROBABLY A
LEGITIMATE SENTIMENT INFLUENCING HIS DECISION.

3. THE AMNESTY AT THIS TIME AND THE VARIOUS REPORTS (REFTELS)
OF BENGALEE DIPLOMATIC EFFORTS TO INITIATE TALKS WITH PAKISTAN
MAY WELL BE MORE THAN A COINCIDENCE. AT THE LEAST, IT MAY BE A
SIGNAL TO PAKISTAN THAT BDG HAD LAID THE GROUNDWORK FOR PUBLIC
ACCEPTANCE OF LENIENCY TOWARD THE GOT AND A SIGN THAT BDG WILL
ACT IN GOOD FAITH TO RESOLVE THE ISSUE TO PAKISTAN'S SATISFACTION
FOLLOWING RECOGNITION; THIS HAS BEEN THE STANDARD FOREIGN MINISTRY
POSITION SINCE THE DELHI AGREEMENT. WHILE CHARACTERIZING THE
AMNESTY AS A GOOD SIGN OF EASED TENSIONS, AN MFA OFFICIAL STATED
TO A DIPLOMATIC COLLEAGUE THAT BDG COULD DO NO MORE. STILL, THE
DEGREE TO WHICH BDG EMISSARIES HAVE BEEN TEETERING ON THE BRINK
OF QUALIFYING THE UNTIL-NOW ABSOLUTE EQUATION OF SOVEREIGN
EQUALITY AND
RECOGNITION COULD MEAN THAT MUJIB'S GOVERNMENT MAY
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BE WILLING TO ACCEPT A LESSER FORM OF ACKNOWLEDGEMENT OF ITS
SOVEREIGNTY BY PAKISTAN OR ONLY BE AN EFFORT TO ELICIT SOME RE-
SPONSIVENESS FROM THE GOP. FROM OUR DISTANT PERSPECTIVE VIEWING
PAST EVENTS, WE AGREE WITH ISLAMABAD'S ASSESSMENT THAT THE GOP
WILL NOT BUDGE. FAKHRUDDIN AHMED, MOREOVER, IS STILL IN NEW YORK
WHICH INDICATES THAT HIS MISSION HAS NOT MET WITH ANY SUCCESS.

4. IF MUJIB SHOULD FINALLY DECIDE THAT NO COMPROMISE FROM BHUTTO

IS FORTHCOMING AND THAT THE PRICE OF THE TRIALS IS TOO HIGH TO
PAY ANY
LONGER, THEN HE HAS WITH THE AMNESTY POSSIBLY SET THE STAGE
FOR A GRAND GESTURE OF FORGIVENESS ON THE
SECOND ANNIVERSARY
OF INDEPENDENCE. CALLING OFF THE TRIALS IN THIS FASHION MAY BLD
SUFFICIENT FOR MUJIB TO MASK THE DISAVOWAL OF HIS LONG-REITERATED
INSISTENCE THAT THE TRIALS ARE HIS RIGHT AND THAT ONLY RECOGNITION
CAN LEAD TO ACCOMMODATION. WHILE SUCH UNILUTERAL ACTION IS A REMOTE
POSSIBILITY, MUJIB WOULD BE LEAVING HIMSELF OPENHGO CHARGES THAT
HE HAS CAPITULATED TOTALLY TO BHUTTO, GAINING NOTHING IN RETURN.
FACTIONS WITHIN HIS OWN PARTY AS WELL AS THE OPPOSITION WOULD NOT
HESITATE TO EXPLOIT THE DECISION TO THEIR OWN ENDS. WE CONTINUE
TO BELIEVE THAT SOME MUTUAL PAK-BANGLADESH FORMULA IS REQUIRED
NTO RESOLVE THE ISSUE.
NEWBERRY

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